

EXHIBIT 5

Ognjen Milanovic

March 15, 2023

<p style="text-align: right;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA</p> <p>RANDY LUNDY,)) Plaintiff,)) vs.) NO. CIV-22-699-F) HL MOTOR GROUP, INC.,) HIGHLIGHT MOTOR FREIGHT USA,) INC., OLD REPUBLIC INSURANCE) COMPANY, AND) OGNJEN MILANOVIC,)) Defendants.)</p> <hr/> <p>FARMERS MUTUAL FIRE) INSURANCE COMPANY OF OKARCHE,))) Plaintiff,)) vs.) NO. CIV-22-752-F) HL MOTOR GROUP, INC., AND) OGNJEN MILANOVIC,)) Defendants.)</p> <hr/> <p>VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF OGNJEN MILANOVIC LOCATED IN BELGRADE, SERBIA TAKEN ON BEHALF OF THE PLAINTIFFS ON MARCH 15, 2023 REPORTED BY: JANA C. HAZELBAKER, CSR</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">CONTENTS</p> <p style="text-align: right;">Page</p> <p>1</p> <p>2</p> <p>3 Index of Exhibits 4</p> <p>4 Stipulations 5</p> <p>5 Direct Examination by Mr. Pignato 6</p> <p>6 Direct Examination by Mr. Stewart 75</p> <p>7 Reporter's Certificate 127</p> <p>8</p> <p>9 * * * * *</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 (All parties are appearing via videoconference.)</p> <p>4 For the Plaintiff, Gerard F. Pignato</p> <p>5 Farmers Mutual Fire Ryan Whaley</p> <p>6 Insurance Company 400 North Walnut</p> <p>7 of Okarche: Oklahoma City, OK 73104</p> <p>8 (405)239-6040</p> <p>9 jerry@ryanwhaley.com</p> <p>10</p> <p>11 For the Defendants, Michael T. Franz</p> <p>12 HL Motor Group, Lewis Brisbois</p> <p>13 Ognjen Milanovic, Bisgaard & Smith</p> <p>14 and Old Republic 550 West Adams Street</p> <p>15 Insurance Company: Suite 300</p> <p>16 Chicago, IL 60661</p> <p>17 (312)463-3329</p> <p>18 michael.franz@</p> <p>19 lewisbrisbois.com</p> <p>20</p> <p>21 For the Plaintiff, Rodney Stewart</p> <p>22 Randy Lundy: Stewart Law Firm</p> <p>23 801 N.W. 63rd Street</p> <p>24 Suite 100</p> <p>25 Oklahoma City, OK 73116</p> <p>(405)601-6060</p> <p>rstewart@rstewartlaw.com</p> <p>Videographer: Bruce Rodgers</p> <p>Also Present: Joanne Butterworth</p> <p>Legal assistant</p> <p>Gerald Knecht</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">INDEX OF EXHIBITS</p> <p style="text-align: right;">Page</p> <p>1</p> <p>2</p> <p>3 Exhibit Number 1 (Driver logs) 38</p> <p>4 Exhibit Number 2 (Photo, Farmers Mutual 0377) 56</p> <p>5 Exhibit Number 3 (Photo, Farmers Mutual 0374) 57</p> <p>6 Exhibit Number 4 (Photo, Farmers Mutual 0378) 58</p> <p>7 Exhibit Number 5 (Photo, Farmers Mutual 0375) 58</p> <p>8 Exhibit Number 6 (Photo, Farmers Mutual 0376) 59</p> <p>9 Exhibit Number 7 (Photo, Farmers Mutual 0379) 59</p> <p>10 Exhibit Number 8 (Photo, Farmers Mutual 0380) 60</p> <p>11 Exhibit Number 9 (Photo, Farmers Mutual 0382) 60</p> <p>12 Exhibit Number 10 (Photo, Farmers Mutual 0383) 61</p> <p>13 Exhibit Number 11 (Photo, Farmers Mutual 0384) 61</p> <p>14 Exhibit Number 12 (Photo, Farmers Mutual 0385) 61</p> <p>15 Exhibit Number 13 (Google Maps aerial photo) 62</p> <p>16 Exhibit Number 14 (Accident Report, Farmers</p> <p>Mutual 0333 through 0339) 64</p> <p>17</p> <p>18 * * * * *</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 113</p> <p>1 Q All right. So since this accident occurred</p> <p>2 in August of 2020, other than whatever medical</p> <p>3 providers you saw at the hospital immediately</p> <p>4 afterwards, has any physician identified to you what</p> <p>5 caused you to run off the roadway?</p> <p>6 A No.</p> <p>7 Q And I want to stop and talk about that now.</p> <p>8 So -- so in responding to some of Mr. Pignato's</p> <p>9 questions I heard you say different things, and we</p> <p>10 need to pin you down because this is an important</p> <p>11 issue in the case. Okay?</p> <p>12 A Nothing to tell me 100 percent, so --</p> <p>13 Q I -- I understand, but let's do what we can</p> <p>14 here. Okay?</p> <p>15 A Okay.</p> <p>16 Q So you mentioned in -- in one of your</p> <p>17 answers to Mr. Pignato earlier that -- that someone</p> <p>18 at -- I think you said "at the hospital," but I want</p> <p>19 to clarify. I want to be fair to you.</p> <p>20 A Yeah, to the best of my recollection.</p> <p>21 Q Yeah, somebody at the hospital said that</p> <p>22 you could have been fatigued or dehydrated.</p> <p>23 A Yes.</p> <p>24 Q Do you recall saying that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 115</p> <p>1 A Yes.</p> <p>2 Q You shouldn't keep driving if you're</p> <p>3 fatigued and dehydrated to the point that you lose</p> <p>4 consciousness and run off the roadway, right?</p> <p>5 A Correct.</p> <p>6 Q And if that's what occurred here, you would</p> <p>7 agree the accident would be your fault, and by</p> <p>8 extension, the fault of HL Motor Group. Agree?</p> <p>9 A I wouldn't -- I didn't feel that way so I</p> <p>10 don't know how I can agree with that.</p> <p>11 Q Well, when you say you didn't feel that</p> <p>12 way, you've kind of said some different things here</p> <p>13 today. You've -- you've indicated you don't remember</p> <p>14 that day at all. Okay? You've said that many times</p> <p>15 throughout the deposition.</p> <p>16 You've also said that -- that -- that you</p> <p>17 remember needing to take your break, that you felt</p> <p>18 like you were looking for your next break stop,</p> <p>19 right?</p> <p>20 A Yes, that is -- I remember the -- wanting</p> <p>21 to pick the break.</p> <p>22 Other than that, meaning the day,</p> <p>23 significant parts of it, meaning what happened there,</p> <p>24 that, I do not remember.</p> <p>25 Q Right. So --</p>
<p style="text-align: right;">Page 114</p> <p>1 Q And -- and was that a physician there at</p> <p>2 the OU Medical Center where you were taken?</p> <p>3 A I don't recall who it was. I talked to</p> <p>4 many people and I was groggy, so, yeah, I don't</p> <p>5 remember.</p> <p>6 Q And then you also said, in response to one</p> <p>7 of Mr. Pignato's questions, that -- that someone at</p> <p>8 the hospital may have said you had a sudden loss of</p> <p>9 consciousness, right?</p> <p>10 Now, you would agree with me those are --</p> <p>11 those are two different -- I suppose they could be</p> <p>12 two different things, right?</p> <p>13 A Yes.</p> <p>14 Q If you're fatigued and dehydrated, I</p> <p>15 suppose you could pass out and lose consciousness,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q But fatigue and dehydration would be</p> <p>19 something within your control. You agree with that?</p> <p>20 A Sure.</p> <p>21 Q All right. If you're feeling dehydrated,</p> <p>22 if you're feeling fatigued, it's time to pull over</p> <p>23 and stop driving. Agree?</p> <p>24 A Uh-huh.</p> <p>25 Q Yes?</p>	<p style="text-align: right;">Page 116</p> <p>1 A The only thing I remember is I was planning</p> <p>2 on stopping at some point.</p> <p>3 Q All right. But --</p> <p>4 A That's the only thing I remember. I don't</p> <p>5 remember being fatigued or thirsty or anything like</p> <p>6 that. I really do not.</p> <p>7 Q Okay. But you also don't remember the</p> <p>8 reverse of that. You don't remember feeling, "Hey,</p> <p>9 I'm not fatigued. I feel great. Life is good, I</p> <p>10 could keep going for another 500 miles." You don't</p> <p>11 remember feeling that, either, right?</p> <p>12 A I have never felt that in my life, no.</p> <p>13 Q Okay. Well, I'm just trying to figure out,</p> <p>14 are -- are you saying you were not feeling fatigued</p> <p>15 or you were not dehydrated, or are you simply saying</p> <p>16 you don't recall feeling either of those things?</p> <p>17 A I don't -- if I had felt that, which I have</p> <p>18 in the past, I would have done something about it,</p> <p>19 but I don't remember feeling that.</p> <p>20 Q And the something you would have done about</p> <p>21 it would be look for a place to pull over and take a</p> <p>22 break, right?</p> <p>23 A Yeah, there's always somewhere close by.</p> <p>24 Q Okay. And, in fact, that's the last thing</p> <p>25 you remember is looking for a place to pull over and</p>

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